

Sydney Church of England Finance and Loans Board and Sydney Anglican Car and Insurance Fund Amendment Ordinance 2012

No 33, 2012

Long Title

An Ordinance to amend the Sydney Church of England Finance and Loans Board Ordinance 1957 and the Sydney Anglican Car and Insurance Fund Ordinance 1978.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the Sydney Church of England Finance and Loans Board and Sydney Anglican Car and Insurance Fund Amendment Ordinance 2012.

2. Amendment of the Sydney Church of England Finance and Loans Board Ordinance 1957

The Sydney Church of England Finance and Loans Board Ordinance 1957 is amended as follows –

- (a) delete the heading for existing clause 2, and
- (b) renumber and reorder the text in existing clause 2 as a new clause 9(1), and
- (c) insert a new clause 2 as follows –

“2. Object

The object of the Board is to advance the purposes of the Anglican Church of Australia in the Diocese of Sydney by financing the activities of the Diocese without the necessity of executing formal securities.”, and

- (d) delete the text in clause 3 and insert instead the following –

“The members of the Board are –

- (a) the Archbishop who shall be President;
- (b) 3 members of the clergy elected by the Synod;
- (c) 6 lay persons elected by the Synod; and
- (d) 1 person appointed by the Archbishop.”

- (e) insert new clauses 4, 5, 6 and 7 as follows –

“4. Election of Members

(1) At each ordinary session of the Synod –

- (a) 1 of the members of the Board referred to in clause 3(b) will retire from office; and
- (b) 2 of the members of the Board referred to in clause 3(c) will retire from office.

(2) Members will retire in rotation according to the length of their time in office. If members have held office for an equal length of time, the member or members to retire shall be determined by lot by the Chairman.

(3) The member of the Board referred to in clause 3(d) holds office, subject to clause 5, until the first day of the ordinary session of the Synod which next follows his or her appointment, but is eligible to be reappointed.

5. Casual Vacancies

- (1) A member of the Board ceases to hold office if he or she –
 - (a) dies;
 - (b) resigns from office by written notice to –

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- (i) the Diocesan Secretary, in the case of a member referred to in clause 3(b) or 3(c); or
 - (ii) to the Archbishop, in the case of a member referred to in clause 3(d); or
 - (c) is absent from all meetings of the Board for a continuous period of 3 months without the leave of the Board.
- (2) A person ceases to be a member of the Board, and is ineligible to be elected or appointed as a member of the Board, if –
- (a) the person becomes, or is, an insolvent under administration; or
 - (b) the person becomes, or is, an incapable person, a patient, a protected person or a voluntary patient under any statute relating to mental health.
- (3) A vacancy in the office of a member of the Board referred to in clause 3(b) or 3(c) –
- (a) arising under subclause (1) or (2); or
 - (b) existing because it is not filled at an election conducted by the Synod;
- may be filled by the Standing Committee.
- (4) A casual vacancy arising in the office of a member of the Board referred to in clause 3(d) may be filled by the Archbishop.
- (5) Subject to subclauses (1) and (2), a person elected or appointed under this clause to fill a vacancy holds office –
- (a) where the vacancy arose under subclause (1) or (2), for such time as the previous occupant of that office would have held office but for the occurrence of the vacancy; or
 - (b) where the vacancy exists because it was not filled at an election conducted during the Synod, at such time as that person would have held office if they had been elected by the Synod at that election.

6. Quorum

Four members constitutes a quorum for a meeting of the Board.

7. Chairman and Other Officers

- (1) The Board must appoint, from time to time a chairman, who, in the absence of the President, will chair meetings of the Board.
- (2) The Board may appoint such other officers as it may determine.
- (3) The chairman and other officers referred to in subclauses (1) and (2) shall hold office for such period as the Board may determine.
- (4) The President, if he is chairing a meeting of the Board, or the chairman, in other cases, has a deliberative vote and, in the case of an equality of votes, also has a casting vote.”

- (f) insert new clauses 8 and 8A as follows –

“8. Use of technology to hold meetings

A meeting of the Board may be called or held using any technology consented to by all the members of the Board provided that all members taking part in such meeting can hear and be heard by one another. Any member of the Board who is absent from the place assigned for a meeting of the Board may attend that meeting by using any technology consented to by all members of the Board provided that absent members can hear and be heard by, not only one another, but also the other members present at the place of meeting. All

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proceedings conducted with the aid of technology under this subclause are as valid and effective as if they had been conducted at a meeting at which all those members were physically present.

8A. Resolutions without a meeting

The members of the Board may pass a resolution without a meeting of the members being held if –

- (a) a document setting out the proposed resolution and containing a statement that a member is in favour of the proposed resolution is provided or sent to each member either personally or at the last postal or electronic mailing address provided by the member for the purpose of receiving material in connection with meetings of the Board, and
- (b) all members who would be entitled to vote on a motion for the resolution at a meeting of the Board notify the person who provided or sent the statement that they are in favour of the proposed resolution by returning to that person a signed copy of the statement or otherwise confirming the statement to that person by electronic means.

Separate copies of a document may be used for the purposes of this clause if the wording of the resolution and statement is identical in each copy. A resolution passed under this clause is to be recorded in the minutes of the next meeting of the Board.”, and

- (g) insert the matter “**Functions**,” before the word “**Duties**” in the heading to existing clause 9, and
- (h) renumber the text in existing clause 9 as clause 9(2), and
- (i) in renumbered clause 9(2) insert the matter “, for the purposes of undertaking its functions,” after the word “shall” in the first line, and
- (j) insert the matter “(2)” after the number “9” in clauses 10 and 11.

3. Amendment of the Sydney Anglican Car and Insurance Fund Ordinance 1978

The Sydney Anglican Car and Insurance Fund Ordinance 1978 is amended as follows –

- (a) renumber subclause 4(1) as clause 4, and
- (b) delete clauses 4(2), 4A, 4B, 4C and 4D, and
- (c) insert a new clause 5 as follows –

“5. Membership

(1) The members of the Board shall be those persons who from time to time are members of the Sydney Church of England Finance and Loans Board. A person who becomes a member, or ceases to be a member, of the Sydney Church of England Finance and Loans Board shall become, or cease to be, a member of the Board, as the case may be.

(2) Four members shall be a quorum for a meeting of the Board.

(3) The Chairman of the Board shall be the member who, from time to time, is the Chairman of the Sydney Church of England Finance and Loans Board.

- (d) delete clause 11.

4. Transitional

The persons who are members or office holders of the Sydney Church of England Finance and Loans Board (the “Board”) immediately before the commencement of this Ordinance continue to be members or office holders of the Board upon the commencement of this Ordinance as if they

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had been elected or appointed, as the case may be, under the Sydney Church of England Finance and Loans Board Ordinance 1957, as amended by this Ordinance.

I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

PG KELL
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 17 September 2012.

R WICKS
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
18/09/2012